

# Exhibit C

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3           SOUTHERN DIVISION

4       GARY BRICE McBAY,  
5       Plaintiff,

6       VERSUS                   CIVIL ACTION NO: 1:07cv1205LG-RHW

7  
8       HARRISON COUNTY, MISSISSIPPI,  
9       by and through its Board of  
10      Supervisors; HARRISON COUNTY  
11      SHERIFF, George Payne, in his  
12      official capacity; CORRECTIONS  
13      OFFICER MORGAN THOMPSON,  
14      acting under color of state law,  
15      Defendants.

16  
17               30(b)(6) DEPOSITION OF HARRISON  
18               COUNTY SHERIFF'S DEPARTMENT,  
19               STEPHEN E. CAMPBELL, DESIGNEE

20       Taken at the offices of Dukes, Dukes,  
21       Keating & Faneca, P.A., 2909 13th  
22       Street, Sixth Floor, Gulfport,  
23       Mississippi, on Thursday, October 1,  
24       2009, beginning at 1:23 p.m.

25       APPEARANCES:

26       PATRICK R. BUCHANAN, ESQUIRE  
27       MARK V. WATTS, ESQUIRE  
28       Brown Buchanan, P.A.  
29       796 Vieux Marche' Mall, Suite 1  
30       Biloxi, Mississippi 39530  
31       ATTORNEYS FOR PLAINTIFF

1 Q. And what did Mr. Martin ask you about  
2 the Towner incident?

3 A. Well, he just -- he just didn't like it.

4 Q. What did he not like about it?

5 A. Well, what I got from him was inmates  
6 never do anything wrong, correction officers  
7 always screw up.

8 Q. So he felt that in the Towner incident  
9 that it was the correctional officers that did  
10 wrong to the inmate?

11 A. Well, they did; but the way he was  
12 portraying it, it was -- it was a lot more severe  
13 than what happened.

14 Q. Did he feel that -- did you do an  
15 investigative report on James Towner?

16 A. I did.

17 Q. Did he feel that your report did not  
18 capture exactly what happened? Is that what he  
19 tried to convey to you?

20 A. No. I don't know if he read the report  
21 or not, but -- I tell you what -- no, he just --  
22 he kind of just didn't believe it.

23 Q. Didn't believe the report?

24 A. I don't know if he didn't believe the  
25 report. He just didn't believe that -- yeah, he

1 THE WITNESS:

2 I'm sorry?

3 MR. WATTS:

4 Q. You can answer.

5 MR. GEWIN:

6 I'll object to the form of the question.  
7 He's asking for your thoughts, but if you can  
8 answer it, you can give it a shot.

9 A. Well, Steve Martin is a well respected  
10 guy in his field, but the report -- I read the  
11 report, but the sheriff didn't tell me to do  
12 anything, okay, pursuant to that report. And I  
13 read it just to read it. I mean, he gave it to me  
14 to read, just to read it. He didn't say -- he  
15 didn't tell me to do anything. And so I read it.

16 And, you know, he met -- Martin met, I  
17 think, with Riley and maybe the sheriff after he  
18 completed what he did and so -- you know, I'm not  
19 putting anything off on them, but they -- you  
20 know, that was their deal. And, you know, if he  
21 told me to do it, do something, you know, if he  
22 said go do this, I would have done it.

23 MR. WATTS:

24 Q. But what were your thoughts when you  
25 read that there's -- a very disturbing pattern of

1           A.     I'm sorry. I'm sorry. There were some  
2 I know down in this -- six, is that what it is?

3           Q.     We'll call it five.

4           A.     Five, the corner one next to the tank.

5           Q.     The lower left-hand corner.

6           A.     Yeah. There were -- I know there were  
7 shackles in there before.

8           Q.     I'm going to mark Exhibit 18. It's  
9 called the Use of Restraints. And under general  
10 information it says, No restraint device will be  
11 used as a form just for punishment.

12                     (Exhibit 18 was marked.)

13       MR. WATTS:

14           Q.     If someone goes into that holding cell  
15 because she's making noise, and then shackles her  
16 to the floor, would you consider that just for  
17 punishing her?

18           A.     For making noise?

19           Q.     She's making noise, and he goes in there  
20 and shackles her from the bench and then shackles  
21 her to the floor. Would you consider that just  
22 for punishment purposes?

23           A.     No. I wouldn't do it for making noise.

24           Q.     Okay. And if someone -- hypothetically  
25 speaking, if an officer takes someone to the

1 ground face first while their hands are handcuffed  
2 behind their back, could that person receive  
3 facial injuries because they could not break their  
4 fall?

5 MR. BRENDEL:

6 I object to the form. It causes him to  
7 speculate.

8 MR. GEWIN:

9 I join in the objection to form.

10 MR. WATTS:

11 Q. You can answer.

12 A. Well, sure, that's possible.

13 Q. They could bust their chin possibly?

14 MR. BRENDEL:

15 Same objection.

16 A. They could or they could do -- or  
17 nothing could happen.

18 MR. WATTS:

19 Q. But they could bust their chin, correct?

20 MR. BRENDEL:

21 Same objection.

22 A. They could crack their skull, I guess.

23 I mean, there are a lot of things that could  
24 happen, but a lot of things couldn't happen.

25 MR. WATTS:

1 Q. I agree. And if someone were to crack  
2 their skull, that would be a pretty serious  
3 injury?

4 A. That would be real bad.

5 Q. Okay. And this will be my last video to  
6 show you --

7 A. You got the magic key.

8 Q. -- if I can get it to come up. And I'll  
9 ask you a couple of questions as to this computer.  
10 What I'm going to show you is a video from Aaron  
11 Vanderburg in May of 2005. And this computer  
12 you're looking at in front of me, I represent to  
13 you that defense counsel gave to us so we can view  
14 some digital video of it. And there's a device on  
15 this video. Is this device the only way you can  
16 view digital video from the booking area?

17 A. It was then, uh-huh.

18 Q. Is there a different -- do you not have  
19 to use that now?

20 A. Well, when I left, I told you they  
21 got -- they had a new Kollektor, a new hard drive,  
22 and you didn't have to have that.

23 Q. While it's loading, I'll ask a couple of  
24 questions so we can get done. Are you aware that  
25 a number of correctional officers from the booking